

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SKY ZONE, LLC, a Nevada limited-liability company,)	
)	
Plaintiff,)	3:11-cv-0141-LRH-WGC
)	
v.)	<u>ORDER</u>
)	
JERRY RAYMOND, an individual, <i>et al.</i> ,)	
)	
Defendants.)	

Before the Court are Plaintiff Sky Zone, LLC's ("Sky Zone") Motion to Seal Exhibit 3 to Defendants' Supplemental Rebuttal Report (Doc. #120¹), and Motion to Seal Exhibits to the Declaration of Matthew D. Francis in support of Sky Zone's Opposition to Defendants' Motion for Summary Judgment (Doc. #128).

Also before the Court is Defendants' Motion to Seal portions of Defendants' reply in support of their Motion for Summary Judgment. Doc. #132.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135

¹ Refers to the court's docket entry number.

1 (9th Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific
2 factual findings that outweigh the general history of access and the public policies favoring
3 disclosure.” *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)
4 (internal citations omitted).


5 Here, in this intellectual property action, the Court has entered a Protective Order governing
6 documentation and testimony that is confidential to the parties’ internal research and development.
7 The Court has reviewed the documents and pleadings on file in this matter and finds that
8 documents at issue in the present motions contain information that is designated “Confidential” or
9 “Confidential—Attorneys’ Eyes Only” under the Protective Order. Therefore, the Court finds that
10 the parties have satisfied their burdens to show compelling reasons for filing the various pleadings
11 under seal. Accordingly, the court shall grant the parties’ motions.

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13 IT IS THEREFORE ORDERED that Sky Zone’s Motions to Seal (Doc. ##120, 128) are
14 GRANTED.

15 IT IS FURTHER ORDERED that Defendants’ Motion to Seal (Doc. #132) is GRANTED.

16 IT IS SO ORDERED.

17 DATED this 24th day of August, 2015.

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20 LARRY R. HICKS
21 UNITED STATES DISTRICT JUDGE
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